

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

G.J., a Minor, by his Next Friend,
Andrea Jones, et al,

Plaintiffs,

Judge Mark Goldsmith

v

No. 22-11360

OXFORD COMMUNITY SCHOOLS,
KENNETH WEAVER, STEVEN WOLF,
NICHOLAS EJAK and SHAWN HOPKINS,

Defendants.

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ANSWER TO PLAINTIFFS' AMENDED COMPLAINT

Defendants, OXFORD COMMUNITY SCHOOLS, KENNETH WEAVER,
STEVEN WOLF, NICHOLAS EJAK and SHAWN HOPKINS, by and through their
attorneys, GIARMARCO, MULLINS & HORTON, P.C., state their answer to
Plaintiffs' Amended Complaint as follows:

INTRODUCTION

Defendants deny the narrative statement contained in the “Introduction” to Plaintiffs’ Complaint for the reason that the allegations contained therein are untrue and/or constitute erroneous and inaccurate conclusions of law, rather than allegations of fact. Furthermore, the narrative form of the statement is contrary to the form required by the rules of pleadings. Defendants move that the contents of the Introduction should be stricken and Plaintiffs should be left to their proofs thereon.

JURISDICTION AND VENUE

1. In answer to paragraph 1, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

2. In answer to paragraph 2, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

3. In answer to paragraph 3, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon

with a final determination to be made by the Court.

PARTIES

4. In answer to paragraph 4, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

5. In answer to paragraph 5, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

6. In answer to paragraph 6, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

7. In answer to paragraph 7, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

8. In answer to paragraph 8, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

9. In answer to paragraph 9, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

10. In answer to paragraph 10, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

11. In answer to paragraph 11, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

12. In answer to paragraph 12, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

13. In answer to paragraph 13, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

14. In answer to paragraph 14, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

15. In answer to paragraph 15, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

16. In answer to paragraph 16, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

17. In answer to paragraph 17, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

18. In answer to paragraph 18, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

19. In answer to paragraph 19, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

20. In answer to paragraph 20, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

21. In answer to paragraph 21, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

22. In answer to paragraph 22, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

23. In answer to paragraph 23, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

24. In answer to paragraph 24, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

25. In answer to paragraph 25, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

26. In answer to paragraph 26, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs. Defendants affirmatively aver that Oxford Community Schools is a Michigan Public School District performing a governmental function in Oakland County, Michigan, to wit, providing a public education to students within the district and, as such, the School is a governmental agency and is immune from suit herein.

27. In answer to paragraph 27, Defendants deny the allegations contained therein for the reason that they are untrue.

28. In answer to paragraph 28, Defendants admit that Kenneth Weaver is

Superintendent of Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

29. In answer to paragraph 29, Defendants admit that Steven Wolf was the Principal of Oxford High School. Defendants neither admit nor deny the remaining allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

30. In answer to paragraph 30, Defendants admit that Nicholas Ejak was the Dean of Students of Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

31. In answer to paragraph 31, Defendants admit that Shawn Hopkins was employed as a Counselor at Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

STATEMENT OF FACTS

A. An essential element in the operation of a school district, as well as an integral role in the job function of school administrators, is the maintenance of school safety and the protection of students from deadly violence.

32. In answer to paragraph 32, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

33. In answer to paragraph 33, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

34. In answer to paragraph 34, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

35. In answer to paragraph 35, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

36. In answer to paragraph 36, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

37. In answer to paragraph 37, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

38. In answer to paragraph 38, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

B. Defendants took affirmative acts that created and increased the danger of the school shooting at Oxford High School on November 30, 2021.

39. In answer to paragraph 39, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

40. In answer to paragraph 40, Defendants deny the allegations contained therein for the reason that they are untrue.

41. In answer to paragraph 41, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

42. In answer to paragraph 42, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

43. In answer to paragraph 43, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

44. In answer to paragraph 44, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

45. In answer to paragraph 45, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

46. In answer to paragraph 46, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

47. In answer to paragraph 47, Defendants deny the allegations contained therein for the reason that they are untrue.

48. In answer to paragraph 48, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

49. In answer to paragraph 49, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

50. In answer to paragraph 50, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

51. In answer to paragraph 51, Defendants deny the allegations contained therein for the reason that they are untrue.

52. In answer to paragraph 52, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

53. In answer to paragraph 53, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

54. In answer to paragraph 54, Defendants deny the allegations contained therein for the reason that they are untrue.

55. In answer to paragraph 55, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

56. In answer to paragraph 56, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

57. In answer to paragraph 57, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

58. In answer to paragraph 58, Defendants deny the allegations contained therein for the reason that they are untrue.

59. In answer to paragraph 59, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

60. In answer to paragraph 60, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

61. In answer to paragraph 61, Defendants deny the allegations contained therein for the reason that they are untrue.

62. In answer to paragraph 62, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

63. In answer to paragraph 63, Defendants deny the allegations contained therein for the reason that they are untrue.

64. In answer to paragraph 64, Defendants deny the allegations contained therein for the reason that they are untrue.

65. In answer to paragraph 65, Defendants deny the allegations contained therein for the reason that they are untrue.

66. In answer to paragraph 66, Defendants deny the allegations contained therein for the reason that they are untrue.

67. In answer to paragraph 67, Defendants deny the allegations contained therein for the reason that they are untrue.

68. In answer to paragraph 68, Defendants deny the allegations contained therein for the reason that they are untrue.

69. In answer to paragraph 69, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

70. In answer to paragraph 70, Defendants deny the allegations contained therein for the reason that they are untrue.

71. In answer to paragraph 71, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

72. In answer to paragraph 72, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

73. In answer to paragraph 73, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

74. In answer to paragraph 74, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

75. In answer to paragraph 75, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

76. In answer to paragraph 76, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

77. In answer to paragraph 77, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

78. In answer to paragraph 78, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

79. In answer to paragraph 79, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

80. In answer to paragraph 80, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

81. In answer to paragraph 81, Defendants deny the allegations contained therein for the reason that they are untrue.

82. In answer to paragraph 82, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

83. In answer to paragraph 83, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

84. In answer to paragraph 84, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

85. In answer to paragraph 85, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

86. In answer to paragraph 86, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

87. In answer to paragraph 87, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

88. In answer to paragraph 88, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

89. In answer to paragraph 89, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

90. In answer to paragraph 90, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

91. In answer to paragraph 91, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

92. In answer to paragraph 92, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

93. In answer to paragraph 93, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

94. In answer to paragraph 94, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

95. In answer to paragraph 95, Defendants deny the allegations contained therein for the reason that they are untrue.

96. In answer to paragraph 96, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

97. In answer to paragraph 97, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

98. In answer to paragraph 98, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

99. In answer to paragraph 99, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

100. In answer to paragraph 100, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

101. In answer to paragraph 101, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

102. In answer to paragraph 102, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

103. In answer to paragraph 103, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

104. In answer to paragraph 104, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

105. In answer to paragraph 105, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

106. In answer to paragraph 106, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

107. In answer to paragraph 107, Defendants deny the allegations contained

therein for the reason that they are untrue.

108. In answer to paragraph 108, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

109. In answer to paragraph 109, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

110. In answer to paragraph 110, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

111. In answer to paragraph 111, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

112. In answer to paragraph 112, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

113. In answer to paragraph 113, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

114. In answer to paragraph 114, Defendants deny the allegations contained

therein for the reason that they are untrue.

115. In answer to paragraph 115, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

116. In answer to paragraph 116, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

117. In answer to paragraph 117, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

118. In answer to paragraph 118, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

119. In answer to paragraph 119, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

120. In answer to paragraph 120, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

121. In answer to paragraph 121, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

122. In answer to paragraph 122, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

123. In answer to paragraph 123, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

124. In answer to paragraph 124, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

125. In answer to paragraph 125, Defendants deny the allegations contained therein for the reason that they are untrue.

126. In answer to paragraph 126, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

127. In answer to paragraph 127, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

128. In answer to paragraph 128, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

129. In answer to paragraph 129, Defendants deny the allegations contained therein for the reason that they are untrue.

130. In answer to paragraph 130, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

131. In answer to paragraph 131, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

132. In answer to paragraph 132, Defendants deny the allegations contained therein for the reason that they are untrue.

133. In answer to paragraph 133, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

134. In answer to paragraph 134, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

135. In answer to paragraph 135, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

136. In answer to paragraph 136, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

137. In answer to paragraph 137, Defendants deny the allegations contained therein for the reason that they are untrue.

138. In answer to paragraph 138, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

139. In answer to paragraph 139, Defendants deny the allegations contained therein for the reason that they are untrue.

140. In answer to paragraph 140, Defendants deny the allegations contained therein for the reason that they are untrue.

141. In answer to paragraph 141, Defendants deny the allegations contained therein for the reason that they are untrue.

142. In answer to paragraph 142, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

143. In answer to paragraph 143, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

144. In answer to paragraph 144, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

145. In answer to paragraph 145, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

146. In answer to paragraph 146, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

147. In answer to paragraph 147, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

148. In answer to paragraph 148, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

149. In answer to paragraph 149, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

150. In answer to paragraph 150, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

151. In answer to paragraph 151, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

152. In answer to paragraph 152, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

153. In answer to paragraph 153, Defendants deny the allegations contained therein for the reason that they are untrue.

154. In answer to paragraph 154, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

155. In answer to paragraph 155, Defendants deny the allegations contained therein for the reason that they are untrue.

156. In answer to paragraph 156, Defendants deny the allegations contained therein for the reason that they are untrue.

157. In answer to paragraph 157, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

158. In answer to paragraph 158, Defendants deny the allegation that Doe was suicidal. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

159. In answer to paragraph 159, Defendants deny the allegations contained therein for the reason that they are untrue.

160. In answer to paragraph 160, Defendants deny the allegations contained therein for the reason that they are untrue.

161. In answer to paragraph 161, Defendants deny the allegations contained therein for the reason that they are untrue.

162. In answer to paragraph 162, Defendants deny the allegations contained therein for the reason that they are untrue.

163. In answer to paragraph 163, Defendants deny the allegations contained therein for the reason that they are untrue.

164. In answer to paragraph 164, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

165. In answer to paragraph 165, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

166. In answer to paragraph 166, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

167. In answer to paragraph 167, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

168. In answer to paragraph 168, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

169. In answer to paragraph 169, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

170. In answer to paragraph 170, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

171. In answer to paragraph 171, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

172. In answer to paragraph 172, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

173. In answer to paragraph 173, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

174. In answer to paragraph 174, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

175. In answer to paragraph 175, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

176. In answer to paragraph 176, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

177. In answer to paragraph 177, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

178. In answer to paragraph 178, Defendants deny the allegations contained therein for the reason that they are untrue.

179. In answer to paragraph 179, Defendants deny the allegations contained therein for the reason that they are untrue.

180. In answer to paragraph 180, Defendants deny the allegations contained therein for the reason that they are untrue.

181. In answer to paragraph 181, Defendants deny the allegations contained therein for the reason that they are untrue.

182. In answer to paragraph 182, Defendants deny the allegations contained therein for the reason that they are untrue.

183. In answer to paragraph 183, Defendants deny the allegations contained therein for the reason that they are untrue.

184. In answer to paragraph 184, Defendants deny the allegations contained therein for the reason that they are untrue.

185. In answer to paragraph 185, Defendants deny the allegations contained therein for the reason that they are untrue.

186. In answer to paragraph 186, Defendants deny the allegations contained therein for the reason that they are untrue.

187. In answer to paragraph 187, Defendants deny the allegations contained therein for the reason that they are untrue.

188. In answer to paragraph 188, Defendants deny the allegations contained therein for the reason that they are untrue.

189. In answer to paragraph 189, Defendants deny the allegations contained therein for the reason that they are untrue.

190. In answer to paragraph 190, Defendants deny the allegations contained therein for the reason that they are untrue.

191. In answer to paragraph 191, Defendants deny the allegations contained therein for the reason that they are untrue.

C. Defendant Oxford CSD, in accordance with its illegal policies, practices, and customs, engaged in a concerted cover story to deflect responsibility for the Oxford High School Shooting.

192. In answer to paragraph 192, Defendants deny the allegations contained therein for the reason that they are untrue.

193. In answer to paragraph 193, Defendants deny the allegations contained therein for the reason that they are untrue.

194. In answer to paragraph 194, Defendants deny the allegations contained therein for the reason that they are untrue.

195. In answer to paragraph 195, Defendants deny the allegations contained therein for the reason that they are untrue.

196. In answer to paragraph 196, Defendants deny the allegations contained therein for the reason that they are untrue.

197. In answer to paragraph 197, Defendants deny the allegations contained therein for the reason that they are untrue.

198. In answer to paragraph 198, Defendants deny the allegations contained therein for the reason that they are untrue.

199. In answer to paragraph 199, Defendants deny the allegations contained therein for the reason that they are untrue.

200. In answer to paragraph 200, Defendants deny the allegations contained therein for the reason that they are untrue.

201. In answer to paragraph 201, Defendants deny the allegations contained therein for the reason that they are untrue.

202. In answer to paragraph 202, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

203. In answer to paragraph 203, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

204. In answer to paragraph 204, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

205. In answer to paragraph 205, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

206. In answer to paragraph 206, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

207. In answer to paragraph 207, Defendants deny the allegations contained therein for the reason that they are untrue.

208. In answer to paragraph 208, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

209. In answer to paragraph 209, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

210. In answer to paragraph 210, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

211. In answer to paragraph 211, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

212. In answer to paragraph 212, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

213. In answer to paragraph 213, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

214. In answer to paragraph 214, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

215. In answer to paragraph 215, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

216. In answer to paragraph 216, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

217. In answer to paragraph 217, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

218. In answer to paragraph 218, Defendants deny the allegations contained therein for the reason that they are untrue.

**COUNT I: PROSPECTIVE EQUITABLE AND INJUNCTIVE RELIEF
FOR VIOLATION OF CIVIL RIGHTS UNDER 14TH AMENDMENT DUE
PROCESS AND 42 U.S.C. §1983, §1988
ALL PLAINTIFFS AGAINST DEFENDANTS OXFORD CSD AND
WEAVER**

219. In answer to paragraph 219, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 218 inclusive, as if fully

set forth herein.

220. In answer to paragraph 220, Defendants admit the allegations contained therein.

221. In answer to paragraph 221, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

222. In answer to paragraph 222, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

223. In answer to paragraph 223, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

224. In answer to paragraph 224, Defendants deny the allegations contained therein for the reason that they are untrue.

225. In answer to paragraph 225, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

226. In answer to paragraph 226, Defendants deny the allegations contained therein for the reason that they are untrue.

227. In answer to paragraph 227, Defendants deny the allegations contained therein for the reason that they are untrue.

228. In answer to paragraph 228, Defendants deny the allegations contained therein for the reason that they are untrue.

229. In answer to paragraph 229(a) – (g), Defendants deny the allegations contained therein for the reason that they are untrue.

230. In answer to paragraph 230, Defendants deny the allegations contained therein for the reason that they are untrue.

231. In answer to paragraph 231 (a) – (l), Defendants deny the allegations as untrue and request that this Court deny Plaintiffs’ request for injunctive relief as it is unwarranted and no requisite showing of the need for injunctive relief has been made.

COUNT II:

PROSPECTIVE EQUITABLE AND INJUNCTIVE RELIEF FOR MONELL LIABILITY UNDER 42 U.S.C. §1983, §1988 STATE-CREATED DANGER DEFENDANT OXFORD CSD

232. In answer to paragraph 232, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 231 inclusive, as if fully

set forth herein.

233. In answer to paragraph 233, Defendants admit the allegations contained therein.

234. In answer to paragraph 234, Defendants deny the allegations contained therein for the reason that they are untrue.

235. In answer to paragraph 235, Defendants deny the allegations contained therein for the reason that they are untrue.

236. In answer to paragraph 236, Defendants deny the allegations contained therein for the reason that they are untrue.

237. In answer to paragraph 237, Defendants deny the allegations contained therein for the reason that they are untrue.

238. In answer to paragraph 238, Defendants deny the allegations contained therein for the reason that they are untrue.

239. In answer to paragraph 239, Defendants deny the allegations contained therein for the reason that they are untrue.

240. In answer to paragraph 240, Defendants deny the allegations contained therein for the reason that they are untrue.

241. In answer to paragraph 241, Defendants deny the allegations contained therein for the reason that they are untrue.

242. In answer to paragraph 242, Defendants deny the allegations contained

therein for the reason that they are untrue.

243. In answer to paragraph 243(a) – (m), Defendants deny the allegations contained therein for the reason that they are untrue.

244. In answer to paragraph 244, Defendants deny the allegations contained therein for the reason that they are untrue.

245. In answer to paragraph 245, Defendants deny the allegations contained therein for the reason that they are untrue.

246. In answer to paragraph 246 (a) – (l), Defendants deny the allegations as untrue and request that this Court deny Plaintiffs’ request for injunctive relief as it is unwarranted and no requisite showing of the need for injunctive relief has been made.

**COUNT III: PROSPECTIVE EQUITABLE AND INJUNCTIVE RELIEF
FOR VIOLATION OF CIVIL RIGHTS UNDER 14TH AMENDMENT AND
42 U.S.C. §1983, §1988
STATE-CREATED DANGER – DELIBERATE INDIFFERENCE
DEFENDANTS EJAK AND HOPKINS**

247. In answer to paragraph 247, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 246 inclusive, as if fully set forth herein.

248. In answer to paragraph 248, Defendants admit the allegations contained therein.

249. In answer to paragraph 249, Defendants deny the allegations contained

therein for the reason that they are untrue.

250. In answer to paragraph 250, Defendants deny the allegations contained therein for the reason that they are untrue.

251. In answer to paragraph 251, Defendants deny the allegations contained therein for the reason that they are untrue.

252. In answer to paragraph 252, Defendants deny the allegations contained therein for the reason that they are untrue.

253. In answer to paragraph 253, Defendants deny the allegations contained therein for the reason that they are untrue.

254. In answer to paragraph 254, Defendants deny the allegations contained therein for the reason that they are untrue.

255. In answer to paragraph 255, Defendants deny the allegations contained therein for the reason that they are untrue.

256. In answer to paragraph 256 (a) – (m), Defendants deny the allegations contained therein for the reason that they are untrue.

257. In answer to paragraph 257, Defendants deny the allegations contained therein for the reason that they are untrue.

258. In answer to paragraph 258, Defendants deny the allegations contained therein for the reason that they are untrue.

259. In answer to paragraph 259 (a) – (l), Defendants deny the allegations as

untrue and request that this Court deny Plaintiffs' request for injunctive relief as it is unwarranted and no requisite showing of the need for injunctive relief has been made.

**COUNT IV: PROSPECTIVE EQUITABLE AND INJUNCTIVE RELIEF
FOR VIOLATION OF CIVIL RIGHTS UNDER 14TH AMENDMENT AND
42 U.S.C. §1983, §1988
STATE-CREATED DANGER – DELIBERATE INDIFFERENCE
DEFENDANT WOLF**

260. In answer to paragraph 260, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 259 inclusive, as if fully set forth herein.

261. In answer to paragraph 261, Defendants admit the allegations contained therein.

262. In answer to paragraph 262, Defendants deny the allegations contained therein for the reason that they are untrue.

263. In answer to paragraph 263, Defendants deny the allegations contained therein for the reason that they are untrue.

264. In answer to paragraph 264, Defendants deny the allegations contained therein for the reason that they are untrue.

265. In answer to paragraph 265, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon

with a final determination to be made by the Court.

266. In answer to paragraph 266, Defendants deny the allegations contained therein for the reason that they are untrue.

267. In answer to paragraph 267, Defendants deny the allegations contained therein for the reason that they are untrue.

268. In answer to paragraph 268, Defendants deny the allegations contained therein for the reason that they are untrue.

269. In answer to paragraph 269, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

270. In answer to paragraph 270, Defendants deny the allegations contained therein for the reason that they are untrue.

271. In answer to paragraph 271 (a) – (e), Defendants deny the allegations contained therein for the reason that they are untrue.

272. In answer to paragraph 272, Defendants deny the allegations contained therein for the reason that they are untrue.

273. In answer to paragraph 273, Defendants deny the allegations contained therein for the reason that they are untrue.

274. In answer to paragraph 274, Defendants deny the allegations contained

therein for the reason that they are untrue.

275. In answer to paragraph 275, Defendants deny the allegations contained therein for the reason that they are untrue.

276. In answer to paragraph 276, Defendants deny the allegations contained therein for the reason that they are untrue.

277. In answer to paragraph 277, Defendants deny the allegations contained therein for the reason that they are untrue.

278. In answer to paragraph 278, Defendants deny the allegations contained therein for the reason that they are untrue.

279. In answer to paragraph 279, Defendants deny the allegations contained therein for the reason that they are untrue.

280. In answer to paragraph 280, Defendants deny the allegations contained therein for the reason that they are untrue.

281. In answer to paragraph 281, Defendants deny the allegations contained therein for the reason that they are untrue.

282. In answer to paragraph 282, Defendants deny the allegations contained therein for the reason that they are untrue.

283. In answer to paragraph 283 (a) – (l), Defendants deny the allegations as untrue and request that this Court deny Plaintiffs’ request for injunctive relief as it is unwarranted and no requisite showing of the need for injunctive relief has been

made.

**COUNT V: PROSPECTIVE EQUITABLE AND INJUNCTIVE RELIEF
FOR VIOLATION OF CIVIL RIGHTS UNDER 14TH AMENDMENT AND
42 U.S.C. §1983, §1988
STATE-CREATED DANGER – SUPERVISORY LIABILITY
DEFENDANT WOLF**

284. In answer to paragraph 284, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 283 inclusive, as if fully set forth herein.

285. In answer to paragraph 285, Defendants deny the allegations contained therein for the reason that they are untrue.

286. In answer to paragraph 286, Defendants deny the allegations contained therein for the reason that they are untrue.

287. In answer to paragraph 287, Defendants deny the allegations contained therein for the reason that they are untrue.

288. In answer to paragraph 288, Defendants admit the allegations contained therein.

289. In answer to paragraph 289, Defendants deny the allegations contained therein for the reason that they are untrue.

290. In answer to paragraph 290, Defendants deny the allegations contained therein for the reason that they are untrue.

291. In answer to paragraph 291, Defendants deny the allegations contained

therein for the reason that they are untrue.

292. In answer to paragraph 292 (a) – (n), Defendants deny the allegations contained therein for the reason that they are untrue.

293. In answer to paragraph 293, Defendants deny the allegations contained therein for the reason that they are untrue.

294. In answer to paragraph 294 (a) – (l), Defendants deny the allegations as untrue and request that this Court deny Plaintiffs’ request for injunctive relief as it is unwarranted and no requisite showing of the need for injunctive relief has been made.

RELIEF REQUESTED

295. In answer to paragraph 295, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 294 inclusive, as if fully set forth herein.

296. In answer to paragraph 296, Defendants deny the allegations contained therein for the reason that they are untrue.

297. In answer to paragraph 297, Defendants deny the allegations contained therein for the reason that they are untrue.

298. In answer to paragraph 298, Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS,

KENNETH WEAVER, STEVEN WOLF, NICHOLAS EJAK and SHAWN HOPKINS, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC

Attorney for Defendants

DATED: September 8, 2022

AFFIRMATIVE DEFENSES

Defendants, OXFORD COMMUNITY SCHOOLS, KENNETH WEAVER, STEVEN WOLF, NICHOLAS EJAK and SHAWN HOPKINS, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., state their Affirmative Defenses as follows:

1. Defendants deny that they breached any duties and, further, deny that they were negligent in any manner. Defendants affirmatively state that they were guided by and strictly observed all legal duties and obligations imposed by operation of law and otherwise. Further, all actions of their agents, servants and/or employees were careful, prudent, proper and lawful.

2. Plaintiffs have failed to state a claim or cause of action against these Defendants as to which relief can be granted as prayed.

3. Defendants will show and rely upon at the time of trial that any injury

or damage complained of by Plaintiffs was proximately caused by third persons not under the control of these Defendants.

4. Defendants will show and rely upon at the time of trial that at all times pertinent hereto, Defendants were engaged in the performance of governmental functions and, therefore, are statutorily immune from suit for civil damages for this claim pursuant to the principles of governmental immunity as set forth in case law and the statutes of this State, the Constitutions of the State and Federal Government and the statutes promulgated thereunder.

5. Plaintiffs' claims are barred by the doctrine of preemption.

6. Defendants will show at the time of trial that all actions or communications complained of in Plaintiff's Complaint were absolutely or qualifiedly privileged pursuant to the Constitutions, statutes and common law of the State of Michigan and of the United States and, further, that Defendants are both statutorily immune and the claims as to the Defendants are also barred by qualified immunity.

7. Defendants are not liable to Plaintiffs for the criminal, assaultive acts of third parties.

8. This Court lacks jurisdiction over the subject matter of Plaintiffs' Complaint.

9. Plaintiffs' claims are barred and/or precluded by the doctrine of res

judicata and/or collateral estoppel.

10. Plaintiffs' claims are barred by the Michigan Revised School Code.

11. Plaintiffs' Complaint is conclusory in nature and fails to state a claim and sufficient facts upon which relief can be granted.

12. Defendants will show that Plaintiffs have failed to prove any deprivation of a Federal right, nor have Plaintiffs alleged or proven an act of deprivation taken under color of law sufficient to maintain an action based upon the Fourteenth Amendment or 42 USC §1983, § 1988 or the U.S. or Michigan constitutions or statutes promulgated thereunder.

13. Plaintiffs have failed to mitigate their damages.

14. Plaintiffs' Complaint is barred by the provisions of the Eleventh Amendment.

15. Plaintiffs' claims are barred by claim and issue preclusion.

16. Plaintiffs' claims against Defendants fail because Plaintiffs cannot show that Defendants acted with deliberate indifference regarding Plaintiffs' allegations of injury.

17. Defendants have not violated any clearly established constitutional or statutory right.

18. As a matter of law, OXFORD COMMUNITY SCHOOLS cannot be held vicariously liable for its employees' actions.

19. Plaintiffs' claims fail as a matter of law and fact because Defendants were not required to protect Plaintiffs from the violence or other mishaps that are not directly attributable to the conduct of its employees.

20. Defendants will show and rely upon at the time of trial that Plaintiffs had a preexisting medical condition which is a contributing proximate cause of the injuries complained of.

21. Plaintiffs' claims are barred by qualified immunity.

22. Plaintiffs' claims are barred by statutory governmental immunity under the Governmental Tort Liability Act (GTLA).

23. Plaintiffs' claims are barred by immunity granted by state and federal statutes.

24. Plaintiffs' claims are barred by the doctrine of Legislative immunity.

25. Plaintiffs' claims against Defendants are barred by the Public Duty Doctrine.

26. Defendants reserve the right to amend their Answer, including additional affirmative defenses, upon completion.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants

DATED: September 8, 2022

JURY DEMAND

Defendants, OXFORD COMMUNITY SCHOOLS, KENNETH WEAVER, STEVEN WOLF, NICHOLAS EJAK and SHAWN HOPKINS, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., hereby request a jury demand as to all issues of trial.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants

DATED: September 8, 2022

CERTIFICATE OF ELECTRONIC SERVICE

TIMOTHY J. MULLINS states that on September 8, 2022, he did serve a copy of the **Answer to Amended Complaint, Affirmative Defenses and Reliance Upon Jury Demand** via the United States District Court electronic transmission.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
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